

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-3 and 5 remain pending. Claim 4 has been cancelled. The disclosure is objected to as noted in the Official Action. In Response, the specification has been amended and the rejection should be withdrawn.

The drawings objected because Figures 2-4 have a typo. In response, a proposed drawing correction is being submitted concurrently herewith. Accordingly this objection should be withdrawn.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 has been amended to provide antecedent basis for claim 5. Accordingly, this rejection should be withdrawn.

Claims 1-5 are rejected under 35 U.S.C. § 102(e) as being anticipated by Orchier et al. (U.S. 6,070,244). In response, claim 1 has been amended and is believed to be patentable over Orchier et al for this reasons discussed below.

The inventive method has an unexecuted system status collecting module (amended claim 1) that collects data about the status of unexecuted system, i.e., data collected by the unexecuted system status collecting module is not seen in the applied reference since the applied reference collects data for exception processing (col. 12, lines 35-59), not for unexecuted system status.

Claims 2-5 are patentable based on amended claim 1 as well as on their own merits. Accordingly, the anticipation rejection should be withdrawn.

In view of the foregoing remarks, reconsideration and allowance of the application are now believed to be in order, and such action is hereby solicited.

If any points remain in issue that the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

A handwritten signature in black ink that reads "Kenneth M. Berner". The signature is written in a cursive style with a large, stylized 'K' and 'B'.

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